

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE**

CASE NO.: 3:24-cv-00113

NICK KOUDIS,

Plaintiff,

v.

NATIONAL PARTITIONS, INC,

Defendant,

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff NICK KOUDIS by and through his undersigned counsel, brings this Complaint against Defendant NATIONAL PARTITIONS, INC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff NICK KOUDIS (“Koudis”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Koudis' original copyrighted Work of authorship.

2. Koudis is an American photographer known for images that have a double meaning that poke fun at social insanity. Almost all of his photographs are created using special effects such as miniature or oversized props, or have been digitally manipulated in Photoshop. Koudis spent twenty-five years shooting advertising images in New York City. Since 2000, he has been photographing celebrities in Los Angeles, where he now resides. His work has received the One Show award, Andy Awards for advertising and PDN/Nikon Awards. He has photographed multiple covers for Time magazine.

3. Defendant NATIONAL PARTITIONS, INC (“National”) is a company that produces and sells prefabricated construction for modular offices, enclosures and cleanrooms. When National opened in the 1960s, it was the first manufacturer of in-plant offices, and has grown through the years improving and expanding on its products, and forming a factory-trained installation group. National's clients include General Mills, Sealy, the Philadelphia Eagles, Valeo, Herculite, Ross Dress for Less, and more. At all times relevant herein, National owned and operated the Facebook page located at the URL <https://www.facebook.com/nationalpartitions/> (the “Website”).

4. Koudis alleges that Defendant copied Koudis’ copyrighted Work from the internet in order to advertise, market and promote its business activities. National committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the National's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Tennessee.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, National engaged in infringement in this district, National resides in this district, and National is subject to personal jurisdiction in this district.

DEFENDANT

9. National Partitions, Inc is a Tennessee Corporation, with its principal place of business at 10300 Goldenfern Lane, Knoxville, TN, 37931-3138, and can be served by serving its Registered Agent, Joseph F. D'Andrea at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2004, Koudis created the photograph entitled “Doublemint Street,” which is shown below and referred to herein as the “Work”.



11. Koudis registered the Work with the Register of Copyrights on January 19, 2015, and was assigned registration number VA 1-955-048. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. At all relevant times Koudis was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY NATIONAL

13. National has never been licensed to use the Work at issue in this action for any purpose.

14. On a date after the Work at issue in this action was created, but prior to the filing of this action, National copied the Work.

15. On or about February 25, 2022, Koudis discovered the unauthorized use of his Work on the National's Facebook page. National used Koudis' work in connection with promoting its sale of goods and services.

16. The Work posted by National was an unauthorized derivative of Koudis' Work in which the background and one of the packs of gums were changed.

17. National copied Koudis' copyrighted Work without Koudis' permission.

18. After National copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its partition manufacturing and sales business.

19. National copied and distributed Koudis' copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Koudis' Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

21. National committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

22. Koudis never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

23. Koudis notified National of the allegations set forth herein on April 21, 2020. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

24. Koudis incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Koudis owns a valid copyright in the Work at issue in this case.

26. Koudis registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. National copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Koudis' authorization in violation of 17 U.S.C. § 501.

28. National performed the acts alleged in the course and scope of its business activities.

29. Defendant's acts were willful.

30. Koudis has been damaged.

31. The harm caused to Koudis has been irreparable.

WHEREFORE, the Plaintiff NICK KOUDIS prays for judgment against the Defendant NATIONAL PARTITIONS, INC that:

a. National and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. National be required to pay Koudis his actual damages and Defendant's profits attributable to the infringement, or, at Koudis' election, statutory damages, as provided in 17 U.S.C. § 504

- c. Koudis be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Koudis be awarded pre- and post-judgment interest; and
- e. Koudis be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Koudis hereby demands a trial by jury of all issues so triable.

DATED: March 11, 2024

Respectfully submitted,

/s/ Joel B. Rothman

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